

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GBEKE MICHAEL AWALA,)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. 07-173-GMS
)	
PETER T. DALLEO,)	
)	
Defendant.)	

ORDER

WHEREAS, the plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee;

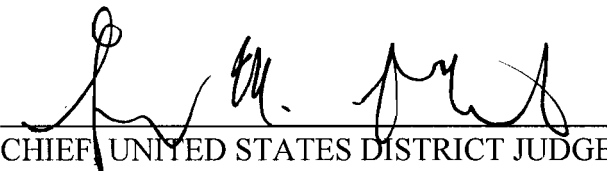
WHEREAS, on April 9, 2007, the court entered an order denying leave to proceed *in forma pauperis* because the plaintiff had three prior suits dismissed as frivolous or for failure to state a claim upon which relief may be granted, and the instant complaint does not allege an imminent threat of physical injury (D.I. 5);

WHEREAS, plaintiff appealed the order to the U.S. Court of Appeals for the Third Circuit and the appeal was dismissed upon a finding that the plaintiff failed to demonstrate that he was “under imminent danger of serious physical injury” and the plaintiff failed to pay the appellate court filing fee, *Awala v. Dalleo*, No. 07-2361165 (3d Cir. Oct. 19, 2007);

WHEREAS, subsequent to dismissal of the appeal, and to date, the plaintiff has not paid the \$350.00 filing fee owed to this court;

THEREFORE, at Wilmington this 17th day of Dec., 2007, IT IS

HEREBY ORDERED that the plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.


CHIEF UNITED STATES DISTRICT JUDGE

